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August 27, 2010

TO: COUNCILMEMBER IKAICA ANDERSON, VICE CHAIR
COMMITTEE ON ZONING

SUBJECT: DIGEST OF ITEMS ON THE AUGUST 31, 2010 ZONING
COMMITTEE AGENDA

Attached is a digest summarizing the items on the Tuesday, August 31, 2010, Zoning Committee Agenda.


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Attachment

CITY COUNCIL
ZONING COMMITTEE
AGENDA DIGEST

August 31, 2010

Office of Council Services
City and County of Honolulu

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Item No. 1

RESOLUTION 10-134 – RESOLUTION APPROVING AN APPLICATION FOR A PLAN REVIEW USE PLAN PERMIT FOR PROJECTS PROPOSED IN THE FUTURE CAMPUS PLAN (CHAMINADE UNIVERSITY, SAINT LOUIS SCHOOL, AND MARIANIST CENTER OF HAWAII) ANTICIPATED FOR DEVELOPMENT WITHIN THE FORESEEABLE FUTURE.

Status: Consideration for action

Deadline for Council Action: 10/25/10

Public Hearing: A public hearing was held by the council at its meeting on July 14, 2010.

Summary:

The purpose of Resolution 10-134 is to grant to the Marianist Center of Hawaii (the "Applicant") approval of a Plan Review Use (PRU) for projects proposed in the Future Campus Plan (Chaminade University, Saint Louis School, and Marianist Center of Hawaii) which are anticipated for development within the foreseeable future.

Agency Recommendations:

A. Director, DPP: Approval, subject to conditions.

Citizen Concerns: October 12, October 22, November 12, and December 9, 2009, the Applicant made presentations to the Saint Louis Heights Community Association, Regency Park Condominium Board of Directors, Diamond Head/Kapahulu/St. Louis Heights Neighborhood Board No. 5 and Palolo Neighborhood Board No. 6, respectively. Particular concerns included visual and noise impacts of proposed Athletic Field House and dormitories and campus traffic congestion during pick-up and drop-off periods.

Zoning Map: R-5 Residential and B-2 Community Business Districts.

Background:

A. Other Permits.

Plan Review Use. Resolution 01-211, CD1 ("2001 PRU"), approved a major modification to and superseded a 1990 PRU. The 2001 PRU proposed a floor area expansion of 159,000 square feet and 219 resident beds. On December 16, 2008, the DPP approved a minor PRU modification for modifications to

residence halls 6 and 7, alterations to Kieffer Hall, a new 85-bed dormitory building, and a new facilities maintenance office building.

The DPP finds that the Applicant has complied with, or continues to comply with, all 13 conditions of approval set forth in the 2001 PRU.

Existing Use (EU) Permit. The purpose of an EU permit is to recognize the hardship imposed upon uses that were legally established, but may not comply with current zoning standards. On August 1, 1994, an EU permit was approved for Saint Louis School and the Marianist residence, including a minor modification for an addition to the athletic complex. On February 3, 2009, a minor modification was approved for the construction of the Clarence T.C. Ching Learning and Technology Center.

Conditional Use Permit. On May 15, 2002, a CUP was approved to allow joint development of Parcels 1 and 6, which comprise the 52.4-acre campus area.

Zoning Variance. On February 3, 2009, the DPP approved a variance to allow the Clarence T.C. Ching Learning and Technology Center to exceed the residential height limit and increase nonconformity.

B. Proposed projects in the Future Campus Plan:

Chaminade University

- Residence Hall 1
- Residence Hall 2, 3, and 4
- Pool and Locker Facility
- Facilities Maintenance Office Building
- Henry Hall Renovations

Saint Louis School

- Athletic Field House
- Cooling Tower
- McCabe Gym Renovation and Mezzanine Addition
- Hale Hoaloha Renovation
- Bertram Hall, Newell Hall, Band Room, Business Office, and Luke Student Center Renovations
- Baseball Practice Field and Batting Cage
- Gerber Field House, Locker Rooms, Batting Cages, and Clemens Center Demolition

Marianist Center of Hawaii

- Parking Garage

Other Campus Improvements

- Additional Travel Lanes

Item No. 2

RESOLUTION 10-31 – PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), RELATING TO POLITICAL SIGNS.

Status: Consideration for adoption

Deadline for Council Action:

Summary:

The purpose of Resolution 10-31 is to propose an amendment to the Land Use Ordinance (LUO) that would regulate the size of political signs.

Background:

- A. The proposed bill attached to Resolution 10-31 would require that:
- 1) No political sign posted on residential property shall be larger than four feet by two feet or a total of eight square feet in area.
 - 2) No political sign shall be posted on residential property more than 120 calendar days before any election to which the sign related or more than 30 calendar days after the election.
 - 3) A candidate for office of the candidate's committee shall be subject to a criminal fine of not less than \$25 nor more than \$500 for any violation of the ordinance.
- B. In Departmental Communication No. 139, dated March 9, 2010, the Department of Planning and Permitting advised the council of documentation "needed to fulfill the Director's usual requirements" for processing the amendment as follows:
- 1) Explain how the proposed amendment would prevent sign clutter or motorist distraction, since it only addresses sign area and not number, height, or type (e.g., directly illuminated or wind signs)? Explain why other amendments relating to other sign standards are not necessary to achieve the stated purpose.
 - 2) Explain why the proposed amendment, which is limited to only political signs, could not be construed as discriminatory, since it does not allow for other expressions of free speech or thought. The existing zoning code provisions, LUO, Section 21-7.40(c), specific zoning district sign standards

for signs in Country and Residential districts, only permits signs for nondwelling uses. The new amendment would lift this restriction for political signs only.

- 3) Explain why it is certain that the proposed amendment would not infringe on the First Amendment rights of persons wishing to express their political views or preferences, and why such expression should not be provided to persons wishing to express their religious or philosophical beliefs or preferences.

- C. Pursuant to ROH Sec. 2-24.3, the council must provide supporting documentation relevant to the processing of the proposal if so advised by the DPP director. Council adoption of the resolution without the requested documentation may not be legally sufficient to initiate the proposal.

Item No. 3

RESOLUTION 10-230 – PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), RELATING TO GREEN ROOFS.

Status: By Council Communication No. 155, dated August 17, 2010, the clerk notified the DPP of the introduction of the subject resolution.

Deadline for Council Action:

Summary:

The purpose of Resolution 10-31 is to propose an amendment to the Land Use Ordinance (LUO) that would encourage developers and owners of land in certain land use zoning districts to install and maintain green roofs. Specifically, the proposed amendment would provide that proposals for developments in the R-5 and R-10 residential districts, apartment districts, apartment mixed use districts, B-2 Community Business district, business mixed use districts, and the Waikiki Special District Resort-Commercial Precinct that include green roofs may be eligible to receive bonus building area.

Background:

- A. Pursuant to ROH Sec. 2-24.3, within 30 days after the resolution proposing a LUO amendment is submitted to the DPP director, the director shall advise the council on the documentation needed to satisfy the director's usual requirements for processing of the proposal. As of the date of this Zoning Committee meeting, such 30-day period has not yet lapsed. Council adoption of the resolution without the required documentation may not be legally sufficient to initiate the proposal.

Item No. 4

RESOLUTION 10-245 – AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE GREEN HOMES AT LUALUALEI AFFORDABLE HOUSING PROJECT AT LUALUALEI, WAIANAE, OAHU, HAWAII, TAX MAP KEY 8-7-033: 011 AND 022.

Status: Consideration for Adoption

Deadline for Council Action:

Purpose:

The purpose of Resolution 10-245 is to authorize, pursuant to Section 201H-38, HRS, exemptions from certain planning, zoning, construction, and development requirements relating to Green Homes at Lualualei, Oahu.

Agency Recommendations:

- A. Director, DPP: 201H application not processed
- B. Executive Director, Hawaii Housing and Finance Development Corporation (HHFDC): Approval

Citizen Concerns:

- A. The project was presented to the Nanakuli-Maili Neighborhood Board No. 36 on August 19, 2008. The board voted in support of the proposed project.

Location: 87-1720 Farrington Highway, Waianae, Oahu

Zoning Map: R-5 Residential District

Summary:

Green Homes Hawaii, LLC (the "Applicant"), proposes to develop a 25 single-family dwelling, affordable, for-sale, project. The proposed project utilizes two vacant parcels totaling 2.777 acres and are zoned R-5 residential district. The 25 single-family dwellings will be built on 25 CPR lots ranging from approximately 2,845 to 5,345 square feet and will consist of 3-7 bedrooms and 2-4 bathrooms that range in size from approximately 1,152 to 2,717 interior square feet. A private driveway and cul-de-sac will provide the right-of-way to the homes. All 25 single-family homes will be priced for families at or below 140% of the area median income and be subject to a 10-year buyback provision and HHFDC's shared appreciation program.

Item No. 5

BILL 40 (20108) – A BILL FOR AN ORDINANCE TO REZONE LANDS SITUATED AT EWA, OAHU, HAWAII.

Status: Consideration for Second Reading

Deadline for Council Action: 10/13/10

Public Hearing: The Planning Commission held a public hearing on April 14, 2010 at which one person testified in support of the bill.

Location: East of the Kualaka'i Parkway (North-South Road), Ewa, Oahu

DP Consistency: DPP reports that the project is consistent with the Ewa Development Plan.

Summary:

The purpose of Bill 40 (2010) is to rezone approximately 17.8 acres of land in Ewa from AG-1 Restricted Agricultural District to A-2 Medium-Density Apartment District with a 60-foot height limit at the request of The Mutual Housing Association of Hawaii (the "Applicant") to develop 308 multi-family rental units for low income households, community facilities, open space, and parking.

Agency Recommendations:

- A. Director, DPP: Approval with conditions
- B. Planning Commission: Approval with conditions

Citizen Concerns: The Applicant made presentations to the Ewa Neighborhood Board (NB) No. 23 on June 12, 2008, and the Makakilo/Kapolei/Honokai Hale NB No. 34 on July 23, 2008. Both neighborhood boards voted to support the zone change.

Background:

- A. The project was part of a petition (Docket No. A99-728) submitted by the former HFDC in March 1999 to reclassify approximately 1,300 acres of land from the State Agricultural District to the State Urban District for the "East Kapolei Master Plan." The LUC granted the petition in October 1999 subject to 27 conditions. The DPP reports that to date the Applicant is in compliance with the LUC conditions

- B. In June 2009, ownership of the project site was conveyed from the Board of Land and Natural Resources to the Hawaii Housing Finance Development Corporation, which will lease the land to the Applicant. The Applicant will in turn sublease the property to the Ko'Oloa'Ula Limited Partnership (the developer), which will fund and construct the project.
- C. The project is designed for households earning below 30, 50, and 60 percent of median income that can qualify under the city's rental income guidelines. The proposed project will offer a range of unit sizes from one bedroom, one bathroom units to four bedroom, three bathroom units. There will be 16 units that comply with the Americans with Disabilities Act (ADA) for accessibility.

Item No. 6

BILL 42 (2010) – A BILL FOR AN ORDINANCE TO REZONE LANDS IN KAILUA, OAHU, HAWAII.

Status: Consideration for Second Reading

Deadline for Council Action: 11/07/10

Public Hearing: The Planning Commission held a public hearing on July 21, 2010 at which one person testified in support of the bill, and two people testified in opposition.

Location: 268-Q Ku'ulei Road, Kailua, Oahu

DP Consistency: DPP reports that the project is consistent with the Koolaupoko Sustainable Communities Plan

Summary:

The purpose of Bill 42 (2010) is to rezone approximately 0.23 acres (10,014 square feet) of land in Kailua from R-5 Residential District to B-1 Neighborhood Business District with a 40-foot height limit at the request of The Kailua Hongwanji Temple (the "Applicant") to redevelop the site with a meeting facility and adult day care.

Agency Recommendations:

- A. Director, DPP: Approval with conditions
- B. Planning Commission: Approval with conditions

Citizen Concerns: The Applicant made presentations to the Kailua Neighborhood Board (NB) No. 31 on November 5, 2009. On March 4, 2010, the Kailua NB voted to oppose the proposed rezoning. Concerns involved extending the Kailua commercial district into a residential area and consistency with the Koolaupoko Sustainable Communities Plan.

Background:

- A. LUO Sec. 21-5.450(a)(3) requires that in the residential districts, meeting facilities shall have a minimum lot size of 20,000 square feet. Under the existing R-5 zoning, the 10,014 square feet lot area is less than the required minimum lot size for meeting facilities in residential districts.

- B. LUO Table 21-3 allows meeting facilities in residential districts with a Conditional Use Permit-minor (discretionary public hearing). Meeting facility use in the business district is permitted by right. Minimum lot size in the B-1 and B-2 business districts is 5,000 square feet.
- C. The project site is within the Regional Town Center depicted in the Koolaupoko Sustainable Communities Plan, Map A-2: Land Use, Section 3: Kailua.

Item No. 7

BILL 48 (2010) – TO AMEND THE SUBDIVISION ORDINANCE, CHAPTER 22, ARTICLE 3, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED, RELATING TO THE NAMING OF CITY PARKS, SITES AND FACILITIES.

Status: Consideration for Second Reading

Deadline for Council Action:

Summary:

The purpose of Bill 48 (2010) is to amend the requirements for the naming of city parks, sites and facilities to allow a portion of a park, site or facility to be named for a living person who has contributed 50 or more years of service to the community.

Background:

- A. Resolution 10-89, adopted on June 9, 2010, transmitted to DPP a bill to amend Chapter 22, ROH, relating to the naming of city parks, sites and facilities.
- B. Article 9 of ROH Chapter 22 (the Subdivision Ordinance) provides that when a park, site or facility is named after a person, that person must be deceased and meet certain criteria.